

DRAMATIC INCIDENTS BEFORE COMMITTEE

(Continued from First Page.)

less. Colonel Lawless declared that if it was necessary he would summons the three members of the secret Senate Committee.

Executive Session.

The committee went into executive session to discuss the question which was in short to determine whether or not the charges made against Mr. Clowes by Colonel Lawless in his motion, should remain upon the record or be stricken out. Senator Rison had in a clear, legal manner summed up the situation for the benefit of the members of the committee who were not lawyers.

After the return of the committee, Mr. Ould moved to strike out of the records all of the charges. Mr. Pulliam offered a substitute that the motion be simply overruled.

The Drug Supplies.

The early morning session was taken up in the examination of Mr. Hale, the drug clerk, but there was little of importance brought out.

Mr. Hale testified that the drugs were purchased privately. He said that Dr. Foster was a hard worked man. Mr. Clowes began his testimony after the midday recess. His testimony was, for the most part, a detailed account of his duties as a member of the special board. He told of the failure of the special board to concur in the appointment of Miss Perry as matron of the hospital, because she had only seven days before been released from the Staunton Asylum, where she had been an inmate.

The witness spoke of his earnest efforts to beautify the grounds of the institution, where he said he had worked as a laborer in his early days.

Mr. Clowes testified that there had been friction between Dr. Foster and Dr. Southall, who had endeavored to secure Dr. Foster's position; that there had also been friction between Dr. Foster and the members of the special board.

In answer to a question put by Chairman Sadler, Mr. Clowes said that the special board did not have the co-operation of Dr. Foster in improving the affairs of the hospital.

Night Attendants.

Mr. Clowes said that he was in favor of night attendants for the patients, as was in vogue at the asylum at Petersburg, but that it had not been instituted there. The reason, he said, he did not know.

Mr. Clowes also testified that the house rent charged the officers was too small, and that he had voted for a higher rate, but was overruled.

Mr. Clowes testified that it was very necessary for the superintendent to make daily visits to the wards, so that he would keep in touch with the condition of the wards and the activities of the attendants.

Mr. Clowes said that as there was an infirmary here, it was not necessary for the physicians to meet on the wards.

Mr. Clowes's testimony was devoted of any charges against Dr. Foster, and was directed for the most part to a recital of affairs as they existed while he was on the special board.

He spoke slowly and at length, and it is thought that his testimony will con-

sume at least two days or more. It is a curious incident that the committee, composed of "senators" and "gentlemen of the General Assembly," have appearing as counsel before the committee two colonels—Lawless and Anderson—and both ex-senators.

The Proceedings.

The morning session of the nineteenth day's proceedings was called to order at 9:45 o'clock. All the members of the committee were present.

Mr. C. C. Hale, the hospital druggist and stenographer, was called to the witness stand.

Witness said he made out a list of the drugs and Dr. Foster purchased them. The legal battle was hard fought all the way through, and intense feeling was displayed by counsel on both sides, as well as by members of the committee.

One-fourth of the drugs purchased are proprietary medicines, and three-fourths are regular drugs.

Witness said he had been a drug clerk for five years. He received \$40 a month and board.

Witness said that he used from six to sixteen gallons of whiskey every year. He said that he had in his mind that the whiskey issued for the patients was consumed by the attendants.

Witness said he knew nothing of this. He filled the prescriptions and that was all he had to do with it.

Witness said he did not think it would be well for him to deliver individual prescriptions. He thought the attendants were capable of giving medicine.

Witness said he thought the drugs used for the hospital could be bought as cheaply by private order as by contract. The drugs might be bought quarterly, but there would have to be a number of articles bought between quarters.

Witness said that all standard drugs were practically the same price at all reputable drug houses.

Witness said the hospital got regular wholesale prices, just as druggists secured.

Witness said Dr. Foster was a very busy man.

Witness stood aside.

Mr. Clowes Called.

Mr. E. H. Clowes, former member of the special committee, was called to the witness stand.

Mr. Clowes asked for counsel. His request was granted and Colonel George Wayne Anderson was introduced to the committee. Colonel Lawless arose and said:

"Before the proceedings progress further, I desire to challenge the competency of this witness (Clowes) to testify before this committee."

Colonel Lawless pointed out that the witness had testified before the secret investigation committee of the Senate.

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he knew would mislead and deceive said committee, and was detected therein. (Vide, Clowes Record, pages 710-718, 727.)

"Second—That he willfully and deliberately gave false testimony before said committee and was detected therein. (Compare Record, page 785, with page 961.)

"Third—That while serving as a member of the said special Board of Directors, and as such charged with the duty of awarding contracts for supplies, he accepted a gratuity from the manager of a company furnishing supplies to the institution, in violation of the statute and of rule two of the rules and regulations of the hospital.

"Fourth—That while serving as a member of said special Board of Directors he deliberately voted for a resolution which expressed a conclusion he stated he believed to be false at the time of said vote. (Pages 711, 727, 831 to 835.)

"Fifth—that he was unanimously declared guilty by said investigating committee and by the Senate of Virginia, to be a person unfit to be a member of said special Board of Directors."

As to Perjury.

"The statute law of Virginia defines what perjury is. He was not technically guilty of perjury, for the chairman of the secret committee, and the witness (Clowes) did not testify under oath. I submit that he ought not to testify here, but I cannot insist."

Colonel Anderson—"I have been longer at the bar than my friend and I never heard such a statement in any court of law."

"He has endeavored to get into the record his own ideas, and I deny the statements he has made. The secret record is not in evidence before this committee, and my client is here to throw light on the questions brought forth in the investigation."

Colonel Anderson said that his client had no desire to testify, but he was bound to be relieved of the duty which the words of Colonel Lawless had shown would bring all manner of disagreeable charges against Mr. Clowes.

The secret record shows anything. It shows that Clowes was not careful of himself in the administration of the affairs of this hospital.

"I will undertake to show that he did not accept bribes and that he was in no way connected with graft in this asylum. He is charged with accepting a bribe, but I am here to prove that he is not guilty of this charge."

Mr. Pulliam moved that all the charges be stricken out of the record. He said that the secret record shows anything. It shows that Clowes was not careful of himself in the administration of the affairs of this hospital.

Colonel Anderson insisted that Colonel Lawless be made to put on witnesses to prove his charges at once.

Colonel Lawless said he would summon the members of the secret committee who heard the witness (Clowes) admit the charges he (Lawless) had made.

"The chair would state, as his individual opinion, that the grounds upon which Colonel Lawless has made his motion are not well founded in law, and to say the least, can only affect the credibility of the witness. That the matter may be brought to a close, and that there are no grounds to show later that the witness is not competent, there will be allowed counsel to show cause and call witnesses."

Before the question was put, Mr. Ould asked that the committee go into executive session. The committee then adjourned to a private room.

The committee, after an executive session of twenty minutes, entered the court room.

Mr. Ould moved that the grounds of objection to this witness be stricken from the record.

That the ground of objection as to the competency of E. H. Clowes as a witness before this committee be overruled.

Messrs. Sadler and Ould voted against it.

THIS MEANS THAT THE CHARGES ARE KEPT IN THE RECORD.

The committee then took a recess for dinner.

Mr. Clowes Testifies.

After the recess Mr. E. H. Clowes went upon the stand.

He said his nomination was not confidential, but that he was a member of the board from 1902 to 1906.

Witness said he had been office boy, attendant, night watchman and traveling man for the institution before he became a member of the board.

Witness went into a detailed description of how awards for supplies were made and why the steward was authorized to purchase privately. Witness said he thought the steward did not buy enough supplies by contract, and that the steward was a member of the board.

In addition to the payment of bills the witness said the bills were paid by the hands of three bonded officers, and the board thought they were correct and did not examine them.

Witness described the wealth of bed-bugs in the Montague building. He said he caught a great quantity of them himself, and with Mr. Cole. He said there was no excuse for bed-bugs being in the building.

Witness said that the general board had made a thorough examination of the hospitals in the State, and had found no bed-bugs at Staunton or at Staunton, and only a few at Marion.

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printed above, except that he made no allusion to the "secret record."

Colonel Anderson replied that he demanded proof. The charges were the same, he said, as had been previously read. He denied the charges.

Colonel Anderson submitted that Clowes ought not to be judged by a record which he (Clowes) was not allowed to use in his defense. "I demand proof, and I submit he cannot prove them without reference to the secret record."

Mr. Pulliam to Colonel Anderson—"How about the third and fourth charges?" (graft and bribe charges.)

Colonel Anderson—"If he (Lawless) endeavors to prove these 'graft' charges, we will meet them."

"I ask that these new five charges be stricken out that attack this man's (Clowes) character as a person."

Colonel Lawless insisted that he had made a simple motion to have the witness be "put aside." It was proper, and he had done it in the regular manner and at the proper time. "If he accepted a bribe then his evidence will not have value."

Mr. Ould, "Are you prepared to prove that?"

Colonel Lawless: "I am. It is in your own breasts, and you know."

Mr. Ould: "Can you bring witnesses to prove that?"

Colonel Lawless: "I can, and will. I do not know if he (pointing to Clowes) will testify to it again, but I can bring another witness who testified before."

Witness Acceptable.

Senator Rison said that in his opinion the charges made in the motion made by Colonel Lawless was no grounds for a witness being told to stand aside, but that the witness would be questioned. He thought the motion of Colonel Lawless should stand upon the record.

Mr. Pulliam moved that all the charges be stricken out of the record. He said that the secret record shows anything. It shows that Clowes was not careful of himself in the administration of the affairs of this hospital.

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that he could not secure the extra attendants.

Witness said he did not know of the removal of bathing seven of the patients in the same tub of water until this investigation began.

New Rules.

Witness said that in 1905 the general board went over the "rules" card, having the superintendent present, and put in effect the present rules in October of that year. Witness said that in his opinion Dr. Henderson was not a very bright attendant, but that the patients could get water. He said the general board appreciated this and recommended that night attendants be placed on duty, but left the matter to the judgment of the superintendent. He did not know there was sufficient money to employ night attendants, but he thought the superintendent should report if such was the reason that night attendants were not employed.

Witness testified to the rent charged the officers for their houses. He said he was in favor of charging the superintendent \$300 a year. Judge Garnett, he said, opposed it, and it was agreed to charge the superintendent \$10 a year and the assistant physicians \$5 each a year, only a nominal rent.

Witness said a fair rent would be \$20 to \$25 a month for the house occupied by Dr. Southall, and the house occupied by Dr. Henderson, he said, could not find a tenant, as it was very undesirable, situated as it was in the grounds near the main building.

Daily Visits.

Witness said that the board was unanimously in favor of rule 10, which directed the superintendent to make daily visits to the wards.

Chairman Sadler asked if it was necessary for the good of the institution to visit the wards.

Witness said that it was very necessary. Reports would face the superintendent.

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